

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STEPHANIE WOODWARD,

Plaintiff,

-v-

The CITY OF ROCHESTER, a municipal entity,
RICHARD ARROWOOD, ERIC SCHIFFMAN,
STEPHANIE BURGSTROM, "JOHN DOE POLICE
OFFICERS 1-200" (names and number of whom are
Unknown at present), TODD BAXTER, "RICHARD ROE
SHERIFF'S DEPUTIES 1-200" (names and number of
whom are unknown at present), and other unidentified
members of the Rochester Police Department and
Monroe County Sheriff's Office

Defendants.

NOTICE OF REMOVAL

Index No. E2021008146
(New York State Supreme
Court, Monroe County)

Civil No. 21-CV-

The Defendants, the City of Rochester, Richard Arrowood, Eric Schiffman and Stephanie Burgstrom, file this Notice of Removal to the United States District Court for the Western District of New York, pursuant to 28 U.S.C. §1441, based upon the following grounds:

1. On September 1, 2021, the Plaintiff filed her Summons and Complaint (Index No. E2021008146) with the Monroe County Clerk. Copies are attached as Exhibit A to the Index submitted herewith.

2. On October 26, 2021, copies of the Summons and Complaint were served on the City of Rochester's Law Department, on behalf of the City, and copies were served upon the three individual Defendants, Arrowood, Schiffman and Burgstrom at their place of employment. As of the date of filing of this Notice of Removal, the time for the Defendants to serve an Answer is still running.

3. No other pleadings or orders have been filed in this action before the filing of this Notice of Removal.

4. This is a civil action. The Plaintiff alleges twelve causes of action against the City and the Defendants, Arrowood, Schiffman and Burgstrom, as well as against the Monroe County Sheriff, several unnamed Police Officers and against several unnamed Sheriff's Deputies. The causes of action concern her involvement in protests on September 5, 6 and 16, 2020, resulting in her arrest. Her causes of action allege various claims concerning deprivation of her Federal Constitutional rights, under the First and Fourth Amendments, citing 42 U.S.C. §1983, as well as claims alleging infringement of her rights under the Federal Americans With Disability Act, and various claims under New York State law. She alleges, in sum and substance, that she was subjected to various non-lethal chemical and other weapons and that her disability, which she alleges was apparent, was not accommodated. She alleges assault, battery, excessive use of force, deprivation of civil rights and failure to accommodate her disabled condition, as well as menstrual irregularities.

5. This Court has original federal question jurisdiction, pursuant to 28 U.S.C. §1331, because this action arises under the United States Constitution and federal statutory law, specifically 42 U.S.C. §1983, §12102 and §12132, as well as 29 U.S.C. §794.

6. The Summons and Complaint were filed in the Monroe County Clerk's Office and in the Monroe County Supreme Court, which are within the District of this Court.

7. This Notice of Removal is being filed within 30 days of the named Defendants' receipt of the Summons and Complaint.

8. Written notice of the filing of this Notice of Removal will be provided to the Plaintiff and to her attorney, and a copy of this Notice will be filed in the appropriate State Court, as required by 28 U.S.C. §1446(d).

9. If this Court grants removal, then pursuant to FRCP Rule 38, the Defendants hereby demand a trial by jury of all triable issues.

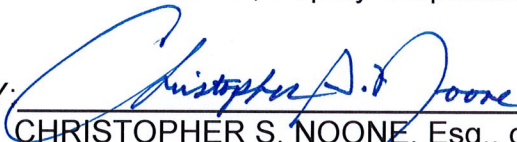
WHEREFORE, the Defendants respectfully request that this action be removed from the Monroe County Supreme Court to this Court for all further proceedings.

DATED: November 9, 2021
Rochester, New York

Yours, etc.,

Patrick Beath, Deputy Corporation Counsel

BY:


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